

MINUTES
Beaches and Shores Advisory Committee
Thursday, October 2, 2014, 9:00 A.M.
Charlotte County Building Construction Services Conference Room
18400 Murdock Circle, Port Charlotte, FL 33948

****Please note that one or more Charlotte County Commissioners may be in attendance at any meeting of the Beaches and Shores Advisory Committee****

Members Present

Clifford Kewley, District 5, Chairman
Jack Landis, Member-at-Large, Vice Chairman
Tommy Brock, District 3
Rich Parchen, District 4
Katherine Ariens, District 2
Dick Whitney, District 1

Members Excused

Robert Pierce, FL Shore & Beach Preservation Association

Staff Present

Commissioner Stephen R. Deutsch, District 4
Rebekah Shupock, Intern, Parks and Natural Resources, Charlotte County
Roger DeBruler, Jr., Parks and Natural Resources, Charlotte County
Gayle Moore, Recording Secretary

Guests Present

Kelly Shoemaker, Assistant County Administrator
Michael Poff, Coastal Engineering Consultants
Carol Leonard, Coastal Wildlife Club
Steve Reilly, Sun Herald

Call to Order

Chairman Clif Kewley called the meeting to order at 9:06 a.m. and led the group in the Pledge of Allegiance. The Recording Secretary called the roll and it was determined that a quorum was present.

On motion by Mr. Landis, seconded by Mr. Brock, and carried unanimously, the Minutes from April 3, 2014 were approved as presented.

Chair Kewley welcomed the members back from the summer hiatus and noted that he was looking forward to getting caught up on projects, and reviewing accomplishments. He called for Citizen Comments, but none were offered.

Commissioner Comments

Commissioner Deutsch next commented regarding the new report on Sunshine Lake, which indicated that there are no signs of current or past toxicity in the waterway, and therefore no health concerns, despite the visually-apparent 'greening' of the water. The study found no problems in the waterway related to sewage operation and noted that the algae originally began developing on the opposite side of lake from those facilities. The major problem is phosphorus

naturally occurring in the ground, plus decaying grass clippings that got in the water. The current rains are helping to clear out the lake. Some further discussion on this subject ensued.

New Business

The next agenda item concerned a presentation by Assistant County Administrator Kelly Shoemaker on the subject of the 1% Sales Tax renewal vote.

Ms. Shoemaker presented her information along with a PowerPoint slide show. She noted that:

- It is not a new tax, but has been in place for 20 years
- This is a tax that everyone pays – tourists as well as residents
- 1% or 1 cent, the terms are interchangeable to citizens; Tallahassee considers it the “1% Local Option Sales Tax”
- During the time it has been in place, more than 80 projects have been paid for this way.
- The City of Punta Gorda shares in the revenue; details provided later in the presentation
- List of projects to have benefitted from this revenue include:
 - West County – Oyster Creek Pool
 - Fire Station 14
 - Mid County – renovations to the Cultural Center
 - Upgrade to gym at Port Charlotte High School (and all high schools received some gym upgrades)
 - Refuge site improvements
 - Revitalization on US 41
 - South County – Charlotte Event Center
 - Piper Road Improvements
- The City of Punta Gorda projects were also referenced; and it was noted that the City concentrates on quality of life projects, e.g. day-docks, Harborwalk at the Event Center, and the Punta Gorda Pathways
- The County anticipates \$108 million for the County and \$12 million for the City over six years

Ms. Shoemaker gave a description of anticipated County projects in categories such as Quality of Life, Public Safety, Schools and Transportation Infrastructure, and gave examples of each. She also offered a brief list of anticipated City projects. A copy of the complete PowerPoint presentation is attached to these minutes for the convenience of readers.

In closing, Ms. Shoemaker reiterated by the penny tax would be paid by all, both residents and visitors, and she noted that it must be approved by voters in order to continue in place.

Chair Kewley noted that current residents had inherited County infrastructure from General Development Corporation and that there are challenges faced by County resident due to infrastructure decay which are not covered on this list. He asked about the funding for repair of things such as the bridges along Edgewater; Ms. Shoemaker clarified that the 1% initiative is only available to *increase capacity*, not to repair or replace based on current need. She pointed out that work like bridge repair, etc., are CIP projects and receive their funding as part of the budgeting for Capital Improvements Projects; some of these projects may have been pushed out into the future somewhat due to the economic crisis.

Mr. Brock asked how the priority is set for the items that can be addressed by this tax – was it for public safety, quality of life, or what; Ms. Shoemaker noted that the project list is chosen by task force members and the approved by the Commission, to be placed on the ballot. She also noted that if the funding is granted as anticipated, the County should be able to do all 24 projects on the list. If there is less money total, the County will work on phasing these projects according to need.

Commissioner Deutsch offered further comments on the 1% sales tax presentation noting that if the money is not raised in this way, it would need to come from ad valorem taxes, because it covers critical items like the planned upgrade to the Fire/EMS communication system which has a big price tag. Because approximately one-third of the revenue from the sales tax comes from visitors to the area, it's like a 30% off sale. Recognize there are groups strongly opposed, but their grasp of facts is not strong.

Old Business

Chair Kewley invited Mr. Michael Poff to share his project updates with the group.

Mr. Poff noted that it had been a very busy summer; summer is annual monitoring time and he enumerated the many different monitoring projects undertaken. He also spoke about the funding request results, the importance of the timing on this (there was \$47 million received for the beach program around the state), and he commented on the work that went into creating the funding request.

In terms of unresolved issues, Mr. Poff noted the FEMA post-Debbie recovery project, and he commented that this could produce a severe impact on County funding; the appeal is on-going, and at worst, we will learn what works best, for next time.

Mr. Poff discussed permitting for the four major projects currently on the table:

- Terminal groin design; this is being reviewed in Tallahassee
- 15-year Plan to be revised to be one document, The Operations Maintenance and Monitoring Plan, which will cover when dredging is needed, when you use off-shore sand, and similar issues, establishing standards for how to prioritize
- Offshore bar areas need more detailed analysis, to be presented in the next submittal
- Corridor from bar area to beach fills; there are off-shore hard-bottom (exposed rock) areas, which are not like coral reefs but are still important to wildlife/sealife; the County needs to find a path through the hard bottom area or over it. Needs to be resolved before going to construction on the project.

In closing, Mr. Poff indicated they are getting positive signals from Tallahassee, and the projects are moving along.

Chair Kewley commented on this encouraging report. Commissioner Deutsch asked about the time line for the dredging; Mr. Poff indicated they will make the submittal on October 10, and should have a final list of issues to deal with in one month. The Commissioner also mentioned his desire to have Mr. Poff appear at the next WCIND meeting, to talk about the groin system, enhancing the beaches and the flushing of Lemon Bay, which is also a benefit to neighboring counties, which is why we would be looking to them for funding assistance. Further discussion ensued on benefits of the project.

Mr. Poff indicated that his alternate for that meeting would be Mark Kincaid who is part of the team and usually attends those meetings; he also noted that WCIND is already involved in the funding through the MAC budget; they also give regional dollars back for studies and for construction. WCIND is definitely a supporter of the project. Further discussion ensued on this relationship.

Mr. Brock sought to clarify whether Mr. Poff thought they'd be done in December, and Mr. Poff responded that, in terms of the state, yes. Mr. Brock asked about projected time to finish after that, and Mr. Poff noted that the Federal permits should be issued next summer, then comes the bid process, which runs 60-90 days, putting construction in November 2015, which would be 4.5 years after the last dredging, so it is within a good time frame. He noted that the current filling-in is not extreme, possibly due to recent mild weather. Mr. Brock thought it might be due to the work

having been done differently; Mr. Poff thought it was due more to where the sand was placed, noting that the work followed recommendations made by Mr. Landis.

Mr. Brock next asked about the super boat races, wondering whether they are going to do that again and noting that the pass being open is good for them too. Commissioner Deutsch said that the possibility of another super boat race needs to be discussed and some of the small issues that cropped up need attend, but that it was generally well received.

Mr. Chad Lach asked what application the reference to getting "points taken off the application" was talking about; Mr. Poff responded that was the Annual Funding Request to the State of Florida through the Beach Erosion Control Program and offered additional details. Mr. Lach asked whether, if that money is denied, is there enough in the MOU to pay for that project? Mr. Poff said that he would defer to Marty Simone for an accurate answer; he said he thought there might be a healthy reserve, but didn't know if it was sufficient to pay for the entire project. Further details were offered. Mr Whitney asked about erosion on Palm Island. Mr. Poff responded that the area naturally recovered; he also noted that not every property had been affected equally on Palm Island, but not all people may have returned yet to inspect. Further discussion ensued on this matter. In conclusion, Mr. Poff said he believes there will now be positive support from Palm Island residents.

Chair Kewley next introduced Committee member Katherine Ariens who had agreed to present her biographical information, as is the Committee's tradition with newer members. Ms. Ariens noted that she was a native of Paducah KY and was raised by self-sufficient landowners who encouraged her to be very protective of the natural world and its resources as a basis of her life/philosophy. She noted that she has also been active politically throughout her life. She moved to Punta Gorda from Miami, and has been here now for about 20 years. She said she also trains dogs and that her first interactions with County government was over support for dogs programs in the County. In addition, she has a very strong interest in protection of the waterways.

Citizens comments

Ms. Carol Leonard asked how often big buoys break away and end up on shore and who follows up on something like this. Mr. Poff responded that Jason Ouiment handles these; he also described the construction of buoys and why this doesn't usually happen. Should any citizen see a damaged or loose buoy, they may tell Lynette Auger, Matt Logan, Andy Stevens or Jason directly.

Chair Kewley indicated that "Citizen" Deutsch wants to comment on Chadwick Cove; Commissioner Deutsch indicated the current conditions at Chadwick Cove includes 14 boats moored and not moving, and no pump-out activities are in evidence, so there is a related health issue. He noted that the Sheriff's office has been involved, boarding the vessels and working in conjunction with MAC, the dye has been used to identify boats that may be dumping. Some boats have been boarded by the Deputy and cited when they indicated they were using a pail to take waste ashore, which is also illegal. He noted that the MAC members had discussed the need to have a pump-out boat there on a regular schedule, to address the health issues; the deputy had raised other issues related to public safety including lack of lights, improper mooring, etc.

Mr. Roger DeBruler also commented regarding boats being boarded and tickets being issued. He confirmed that buckets or pails are not acceptable transfer methods for human waste; many boats that were boarded had non-functional toilets. Law enforcement has been pushing hard on this, and boaters are pushing back. One gentleman leaves his boat (storing it there) while he goes out of state; he got very boisterous with the officer who told him his boat would be gone if he does it again. The current increase in numbers of boats may be due to Chadwick Cove being a safe harbor where people can come in due to threatening weather. Further discussion ensued on the various offenses occurring in the Chadwick Cove area.

Mr. Landis asked Commissioner Deutsch if there had been any more discussion about creating an anchorage site at Chadwick Cove; the Commissioner said not at this time and indicated that while he would like to see it, the Stump Pass project needs to be completed first. Ms. Ariens asked questions related to the mismanagement of waste on the boats, the amount of time live-aboards can be at anchor, and other regulations; Mr. Lach mentioned people pulling in to Pelican Bay on Cayo Costa; Mr. Poff indicated that there are state rules governing that, but there is no enforcement. Further discussion ensued on these points. Ms. Ariens expressed concern about reporting and what other options are available that protect the whistleblower. In response to a comment by Mr. Poff regarding some illegal filling of submerged state lands by business owners, Mr. Brock offered additional comments on Chadwick Cove, and the nature of their lease agreement with the state which permits five spots for live-aboards, what the 'live-aboard' definition is, and what the 'transient' definition is. He noted that most marinas track customers and whether they need a pump out. Further discussion also covered the definition of "off shore" and it was noted that on the Gulf Coast the off-shore distance is nine miles, while on the east coast it is three miles.

Mr. Landis asked Mr. Poff about his preliminary anchorage site plans "a and b", and what the costs would be for each plan in total? Mr. Poff said that he would need to come back with that information at the next meeting.

Mr. Lach indicated he needed to go to a conference call concerning the terminal groin, and asked that the next meeting include discussion of the Super Boat Races.

Mr. Brock asked who the "lead" was in discussing the anchorage issue; Ms. Ariens asked whether this is something that 'we as a community' come together and decide is wanted, and then bring it forward as a group or through the Commissioner. Chair Kewley indicated that Ms. Ariens seemed to be the ideal person to merge the interests of Parks & Rec with regard to Chadwick Cove Park, especially with regard to establishing a pump-out station there; Mr. Poff cautioned that it is very shallow water there at the shore line and might not accommodate all boats, and that the best solution is to take the pump-out boat to the vessels. Commissioner Deutsch reiterated that this is already a MAC initiative, including a discussion at their last meeting regarding trailering the pump-out boat to the Cove; Chair Kewley discussed further BSAC involvement in this effort. Ms. Ariens requested further discussion on what the citizens actually want in this regard, how it would be pursued and what the benefits would be; once developed, this information could be supplied to the Commissioners. Further discussion ensued, including an agreement to research further, to revisit the subject at a future meeting, possibly at the next joint meeting;

Chair Kewley reminded the group that this already was a discussion at the last joint meeting and it was very disruptive with pushback from residents who were feeling threatened by the initiative. Mr. Poff commented on those individuals who are living no-cost, no-regulation, and these are the people who come out to the meetings, to resist this initiative. If the County does pursue this and put in a managed mooring field, 98% of people will love it, because it is an excellent amenity; the handful of people who live there now, unregulated, will move someplace else, and the problem will move along with them. The current level of policing may take care of some of these issues before a managed mooring field is created. Further discussion ensued regarding the "cascade effect" when neighboring jurisdictions create such regulation; comment was also offered by Mr. DeBruler regarding the need for legislation; such regulation already exists at the state level, Charlotte County needs to add local regulations that requires documentation of compliance so that the Sheriff can ticket offenders.

On motion made by Ms. Ariens, to set this topic for next the meeting, it was agreed that this would be an agenda item for November: Mooring fields and the preparation to discuss at the next joint meeting. Mr. Poff suggested several contacts in nearby local governments who would be good

sources of information on this topic; he also offered additional insight as to how the issue was handled by other jurisdictions, such as the Town of Ft Myers Beach. Further discussion was also held on how best to manage meetings at which such controversial topics are covered; Ms. Ariens counseled allowing people to vent until they are done, while Mr. Poff and Mr. Landis agreed that it was important to have an independent person run the meeting, impose the rules of order and a commenting time limit, and just generally control the meeting.

Mr. Whitney asked who citizens could contact about these issues in the meantime, and was directed to Cpl. Lytle; he asked if there is any assistance that the group could implement through the County to give him more powers. Mr. DeBruler indicated that he is limited by State statutes, and there isn't much in the way of County ordinances that address these issues; Cpl. Lytle gives out state tickets for offenses. The process for removal of vessels was also discussed.

Staff Comments

None offered.

Member Comments

Mr. Brock raised an issue regarding the flats and how to protect the, e.g., through cautionary signage; Mr. Poff cautioned that most signals DRAW people to an area rather than keep them away. He suggested that there needs to be a "Danger - Shoal" sign instead.

Adjournment

On motion by Mr. Brock, seconded by Ms. Ariens and carried unanimously, the meeting was adjourned at 11:01 a.m.

Respectfully submitted,

Gayle Moore
Recording Secretary

Minutes Approved by

Clifford Kewley, Chairman
Beaches & Shores Advisory Committee